



## NATIONAL SEA CHANGE TASKFORCE INC

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Barriers to Effective Climate Change Adaptation Inquiry  
Productivity Commission  
Locked Bag 2  
Collins St East  
Melbourne VIC 8003

Dear Commissioners,

### **RE: Response to Draft Report**

On behalf of the National Sea Change Taskforce I am pleased to provide the following response to the draft report of the Productivity Commission Inquiry into *Barriers to Effective Climate Change Adaptation*.

While the Taskforce supports the recommendations contained in the draft report we believe it is of critical importance to establish a mechanism by which the inquiry recommendations are to be subsequently implemented. The Taskforce believes that a collaborative national approach to climate change adaptation is essential for the effective implementation of adaptation actions, as noted in the draft report: 'The effects of climate change will be experienced at a local level. This suggests that local governments, followed by state and territory governments, will be responsible for most government adaptation actions and for implementing many of the reforms to remove barriers to adaptation'.

Identifying the most effective mechanism by which this collaborative national approach can be achieved is therefore vitally important. The draft report states that 'Adaptation-specific reforms that require national coordination could be pursued through the COAG Select Council on Climate Change and any successor'. Having been established with the joint participation of the Australian Government, States and Territories and local government, the Select Council would appear to be the most relevant body to implement such reforms at a national scale. It is noted in the Terms of Reference for the Select Council, however, that it is due to be wound up by April 2013 and will therefore not be in a position to pursue on on-going effective response on climate change policy issues with national implications.

The Taskforce believes that given the long-term potential impact of climate change there is a clear need to establish a long-term mechanism for pursuing an effective collaborative response to climate change involving all three tiers of government. The National Sea Change Taskforce therefore proposes that the final report of the Inquiry include a recommendation to Ministers Combet and Shorten that the task of coordinating the implementation of the recommended reforms in the report be referred to a permanent Standing Council of COAG for action. It is proposed that such a permanent Standing Council would be responsible for identifying the priority issues of national significance concerning climate change adaptation that it would deal with and in what timeframes, for subsequent endorsement by COAG.

Our other comments on the draft inquiry report are outlined as follows.

- The Taskforce is pleased to note that the report highlights the role local councils play in assisting communities to understand the impacts of climate change and implementing measures to reduce climate change. The Taskforce also supports the view, as stated in the report, that the roles and responsibilities of local government are not particularly clear and need to be clarified; shortages of professional and technical expertise and financial constraints are preventing some councils from implementing effective adaptation actions; and legal liability concerns are hindering adaptation for many local councils.
- The Taskforce endorses the view, as stated in the report, that: It is the responsibility of state and territory governments to ensure that councils have the capacity to fulfil their regulatory functions, including those that relate to climate change adaptation. This includes clarifying where legal liability for adaptation lies and the appropriate processes for councils to manage their liability.
- We also endorse the Information Request 7.1, which notes the current arrangements in New South Wales to limit the legal liability of local governments through the Civil Liability Act 2003 (NSW) and the Local Government Act 1979 (NSW), and seeks further information on whether this approach (or alternatives) could fully address the legal liability issues facing local governments in other jurisdictions when dealing with climate change adaptation.
- We wish to express support for the recommendations outlined in the draft report, in particular Recommendations 7.1 and 7.2, which relate specifically to the local government sector, Recommendation 8.1 which relates to planning and building regulation, and Recommendation 10.1, which relates to current emergency management arrangements.
- The Taskforce also endorses, as noted earlier, the need for effective coordination and cooperation between all tiers of government in relation to the implementation of climate change policy responses, as referred to in Recommendation 13.1.

In closing, we commend the Inquiry Commissioners for their efforts in identifying regulatory and policy barriers to effective climate change adaptation and in developing the recommendations, as outlined in the draft report, to address these barriers.

Yours sincerely,

Alan Stokes  
Executive Director